

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lily Kim	Team: Squad #6	CCRB Case #: 201907948	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 09/05/2019 6:25 AM	Location of Incident: § 87(2)(b)	Precinct: 72	18 Mo. SOL 3/5/2021	EO SOL 10/20/2021	
Date/Time CV Reported Mon, 09/09/2019 1:15 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 09/09/2019 1:15 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. DT3 Stanislav Kushnir	2358	947764	NARCBBS
3. DTS Christophe Palmer	2766	951001	PBQ/S
4. DT3 Nicholas Norris	02807	940516	NARCBBS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Stanley Mateo	5158	947804	NARCBBS
2. SGT Andrew Parfenoff	03603	938855	NARCBBS
3. CPT Robert Bava	00000	924929	NARCBBS
4. DT3 Oleg Uruymagov	05405	935891	NARCBBS

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Stanislav Kushnir	Abuse: Police Officer Stanislav Kushnir entered § 87(2)(b) in Brooklyn.	
B.DT3 Stanislav Kushnir	Abuse: Detective Stanislav Kushnir searched § 87(2)(b) in Brooklyn.	
C.DT3 Stanislav Kushnir	Abuse: Detective Stanislav Kushnir seized § 87(2)(b)'s property.	
D.DT3 Stanislav Kushnir	Abuse: Detective Stanislav Kushnir refused to show the search warrant to § 87(2)(b)	
E.DT3 Nicholas Norris	Abuse: PO Nicholas Norris refused to provide his name to § 87(2)(b)	
F.DTS Christophe Palmer	Abuse: PO Christopher Palmer refused to provide his name to § 87(2)(b)	
G.DTS Christophe Palmer	Discourtesy: Police Officer Christopher Palmer acted discourteously toward § 87(2)(b)	
H.DTS Christophe Palmer	Discourtesy: Police Officer Christopher Palmer acted discourteously toward § 87(2)(b)	
I.DTS Christophe Palmer	Abuse: PO Christopher Palmer strip-searched § 87(2)(b)	
J.DTS Christophe Palmer	Abuse: PO Christophe Palmer strip-searched § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
K.DT3 Stanislav Kushnir	Abuse: Detective Stanislav Kushnir did not obtain medical treatment for § 87(2)(b)	
L. Officers	Abuse: Officers did not obtain medical treatment for § 87(2)(b)	

Case Summary

On September 9, 2019, § 87(2)(b) filed the following complaint with the CCRB over the phone.

On September 5, 2019, at approximately 5:40 a.m. § 87(2)(b) his cousin, § 87(2)(b) and his friend, § 87(2)(b) were sleeping inside his apartment at § 87(2)(b) in Brooklyn. Det. Stanislav Kushnir, Det. Nicholas Norris, PO Christopher Palmer and additional officers from Narcotics Borough Brooklyn South entered his apartment (**Allegation A, Abuse of Authority**, § 87(2)(g)). Officers handcuffed § 87(2)(b) and § 87(2)(b) and brought them to the hallway in the apartment. From the hallway § 87(2)(b) observed the officers search his apartment and seized items from the residence (**Allegations B and C, Abuse of Authority**, § 87(2)(g)). § 87(2)(b) asked to see the warrant. No one showed him the warrant (**Allegation D, Abuse of Authority**, § 87(2)(g)). § 87(2)(b) asked PO Palmer and Det. Norris for their names. Det. Norris did not provide his name and PO Palmer provided his name as Chris (**Allegations E and F, Abuse of Authority**, § 87(2)(g)). § 87(2)(b) and § 87(2)(b) requested to use the bathroom. PO Palmer walked § 87(2)(b) and § 87(2)(b) to the bathroom individually. PO Palmer did not uncuff them in the bathroom (**Allegations G and H, Discourtesy**, § 87(2)(g)). § 87(2)(b) pulled down their pants, and they were directed to urinate in the shower (**Allegations I and J, Abuse of Authority**, § 87(2)(g)). § 87(2)(b) informed the officers, including Det. Kushnir, that he was sick and needed to take medication. He was never provided medical treatment (**Allegation K, Abuse of Authority**, § 87(2)(g)). **Allegation L, Abuse of Authority**, § 87(2)(g)). § 87(2)(b) and § 87(2)(b) were brought to the 72nd Precinct stationhouse. There § 87(2)(b) asked to see the warrant but was not shown a warrant (within Allegation D).

§ 87(2)(b) was charged with § 87(2)(b)

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§ 87(2)(b) was charged with § 87(2)(b)

§ 87(2)(g)

No video footage was obtained for this incident. There is no body-worn camera footage because the narcotics team has never been equipped with BWC.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Stanislav Kushnir entered § 87(2)(b) in Manhattan.

Allegation (B) Abuse of Authority: Detective Stanislav Kushnir searched § 87(2)(b) in Manhattan.

It is undisputed that Det. Kushnir and his field team executed search warrant #§ 87(2)(b) at § 87(2)(b) in Manhattan. It remains in dispute whether officers knocked and announced their presence prior to entering the location.

§ 87(2)(b) testified (**BR 01**) that he, § 87(2)(b) and § 87(2)(b) were inside his apartment at § 87(2)(b) in Brooklyn when § 87(2)(b) heard a drill at his door. § 87(2)(b) did not hear any knocking before the drilling. Approximately ten to fifteen officers entered his apartment and announced they were the police and had a warrant. The officers handcuffed § 87(2)(b) and § 87(2)(b) and brought them to the hallway of the apartment. Det. Kushnir and the other officers searched cabinets, closets, went through his clothes, including his sweaters which were on a shelf in the living room as well as small containers in the kitchen.

§ 87(2)(b)'s testimony (**BR 02**) was mainly consistent with § 87(2)(b)'s statement. The first thing § 87(2)(b) heard was a bang, a drill and then the officers busted the door open and entered the apartment. § 87(2)(b) did not state if he heard knocking and was uncooperative with future contact attempts.

§ 87(2)(b) was uncooperative with the investigation.

Det. Kushnir testified that he along with officers from Narcotics Borough Brooklyn South executed a search warrant at § 87(2)(b) with his field team (**BR 03**). They knocked on the door and announced themselves. They waited approximately one minute during which no one answered. They used a hydraulic tool to enter the door. Upon entering the apartment, § 87(2)(b) and § 87(2)(b) were handcuffed and brought into the hallway of the apartment. After the occupants were handcuffed, the scene was secured. Det. Kushnir went to the 68th Precinct stationhouse and returned approximately 15 minutes later and searched the location.

Sgt. Parfenoff (**BR 04**) stated that the warrant execution team breached the apartment door using tools. Sgt. Parfenoff did not recall if anyone knocked or announced police before entering. The search warrant was a no-knock warrant.

PO Palmer (**BR 05**) stated that he was likely the sixth or seventh person in the stack, and the line may have even gone out the door. PO Palmer did not know what tools were used to enter the apartment. PO Palmer heard officers announce themselves several times before and after the door was opened.

Before arriving at the location, Det. Uruymagov (**BR 06-07**) was briefed about the case and that it was a knock warrant. There were at least six officers in the stack that entered. An officer knocked on the door to announce police presence, but no one came to the door. Det. Uruymagov did not remember which officer knocked on the door. Det. Uruymagov did not recall specifically how long they waited before they breached the door using tools.

Det. Norris (**BR 08**) and Det. Mateo (**BR 09**) stated that the warrant execution team breached the door to enter with no mention of whether officers knocked or announced police presence.

Det. Kushnir's memo book (**BR 10**) notes that the search warrant was executed at 6:25 a.m. on September 5, 2019.

Search Warrant § 87(2)(b) (BR11) for 219 65th Street in Brooklyn, was requested by Det. Kushnir and obtained on § 87(2)(b). Search Warrant § 87(2)(b) stated to search § 87(2)(b) between the hours of 6:00 a.m. and 9:00 p.m. As the search warrant did not specify “no-knock”, it was confirmed to be a knock warrant. The search warrant pre-execution plan (BR12) has a “no-knock” check box which is unchecked.

A search warrant is a court order and process directing a police officer to conduct a search of designated premises, or of a designated vehicle, or of a designated person, for the purpose of seizing designated property or kinds of property, and to deliver any property so obtained to the court which issued the warrant, CPL 690.05 (BR 13).

§ 87(2)(g)

§ 87(2)(b) and § 87(2)(b) stated that the officers breached the door, which woke them up. He denied hearing the officers knock or announce their presence. Contrarily, Det. Kushnir and Det. Uruymagov confirmed that it was a knock warrant and that the officers knocked before breaching the door. PO Palmer stated that the officers announced themselves verbally before breaching the door. Det. Norris and Det. Mateo did not mention whether the officers knocked, and Sgt. Parfenoff did not remember if the officers knocked before breaching the door.

It is undisputed that the officers gained entry by breaching the door. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (C) Abuse of Authority: At § 87(2)(b) officers seized § 87(2)(b)s property.

§ 87(2)(b) testified that the officers took a pair of nun chucks, jewelry, \$708 (including a money order, all of which was wrapped up in two electric bills), various medications, and brass knuckles.

Det. Kushnir testified that he searched the apartment, and recovered, packaging materials, scales, assorted knives, BB-guns, U.S. currency, two car keys to vehicles used during sales and jewelry. The vehicles were seized for forfeiture and vouchered. Det. Kushnir left the location with the contraband. Two detectives remained to watch the door until ESU secured the door.

Det. Mateo testified that he remained in the apartment with Det. Kushnir, Sgt. Parfenoff, and Cpt. Bava. Det. Kushnir performed a search and recovered items including a metal knuckle knife, scale, cutting agent, and BB gun. Det. Mateo was the recorder for the search.

PO Norris, Det. Uruymagov, and Det. Palmer did not search the apartment or see the officers search the apartment. They did not know which items were seized from the location.

Search Warrant § 87(2)(b) stated to search § 87(2)(b) § 87(2)(b) for electronic communication equipment, currency and other evidence of proceeds from drug trafficking, evidence of ownership and use of the target premises or the use of property located therein by any person.

A receipt for a 14k link gold chain was vouchered, § 87(2)(b) s mail, necklaces, pendants, bracelets, rings, four bottles of § 87(2)(b) s prescription medication, seven cell phones, a scale, WD-40 can, inositol powder, a key ring, nunchucks, a BB-gun, a dagger and a metal knuckle knife were vouchered (BR 14). The Air/C02 pistol was seized as arrest evidence by Det. Kushnir under PETS Voucher #§ 87(2)(b) (BR 15).

§ 87(2)(g)

Allegation (D) Abuse of Authority: Detective Stanislav Kushnir refused to show the search warrant to § 87(2)(b)

At § 87(2)(b) § 87(2)(b) asked the officers who entered his apartment, including Det. Kushnir, if he could see the warrant. None of the officers showed him the warrant. § 87(2)(b) was transported to the 72nd Precinct stationhouse. He asked all the officers who came near him to see the warrant. Eventually Det. Kushnir showed § 87(2)(b) a piece of paper he stated was a search warrant. The paper did not say search warrant on it, however aside noting the paper mentioned an investigation, § 87(2)(b) did not read the piece of paper. Aside from this piece of paper, § 87(2)(b) was not shown anything he believed to be a search warrant.

§ 87(2)(b) testified that they asked all the officers who passed them, to see the warrant and that they were not ever shown the warrant. § 87(2)(b) did not state that he specifically asked to see the warrant and following his interview he was uncooperative with the investigation.

No statement was obtained from § 87(2)(b) because he was ultimately uncooperative with the investigation.

Det. Kushnir testified he handed the search warrant to § 87(2)(b) while § 87(2)(b) and § 87(2)(b) were in the cells with him at the 72nd Precinct stationhouse. Det. Kushnir asked § 87(2)(b) to sign it to acknowledge that he received a copy of it. He did not remember if § 87(2)(b) ultimately signed the search warrant.

Officers are required to show a copy of the search warrant upon request, safety permitting, **Patrol Guide Section 221-17 (BR 16).**

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation (E) Abuse of Authority: Police Officer Nicholas Norris refused to provide his name to § 87(2)(b)

Allegation (F) Abuse of Authority: Police Officer Christopher Palmer refused to provide his name to § 87(2)(b)

§ 87(2)(b) asked PO Palmer and PO Norris for their names. PO Norris did not provide his name and PO Palmer provided his name as Chris but did not provide his last name.

PO Norris testified that § 87(2)(b) did not ask for his name and he denied that he refused to provide his name to § 87(2)(b). PO Norris did not hear another officer refuse to provide their name to § 87(2)(b).

PO Palmer did not hear § 87(2)(b) ask any officers, including himself or PO Norris, for their names. PO Palmer did not refuse to provide his name to § 87(2)(b).

Det. Mateo, Sgt. Parfenoff, and Det. Uruymagov either did not hear or did not remember if § 87(2)(b) asked Det. Norris or PO Palmer for their names. Det. Uruymagov did not hear any officers refuse to provide their name.

PO Palmer is the only officer listed on the Pre-Execution Plan whose first name is Christopher.

§ 87(2)(b) testified that he requested PO Norris and PO Palmer for their names. PO Norris and PO Palmer denied that § 87(2)(b) requested their names and that they refused to provide them. None of the other detectives testified that they witnessed this. There was no video footage, as the team was not equipped with BWC.

§ 87(2)(g)
[REDACTED]
[REDACTED].

Allegation (G) Abuse of Authority: PO Christopher Palmer acted discourteously toward

§ 87(2)(b)

Allegation (H) Abuse of Authority: PO Christopher Palmer acted discourteously toward

§ 87(2)(b)

Allegation (I) Abuse of Authority: PO Christopher Palmer strip-searched

§ 87(2)(b)

Allegation (J) Abuse of Authority: PO Christopher Palmer strip-searched

§ 87(2)(b)

§ 87(2)(b) stated that when he, § 87(2)(b) and § 87(2)(b) had to use the bathroom, two officers took them one at a time to the bathroom, did not uncuff them, and pulled down their pants because they were still handcuffed. A white male officer, identified by the investigation as PO Palmer, told them to use the bathroom in the shower. PO Palmer pulled down § 87(2)(b)'s pants from the back and remained in the bathroom with § 87(2)(b). § 87(2)(b) used the bathroom in the shower. The pants were pulled down so § 87(2)(b)'s back and front side were exposed. They were pulled back up when he was done. The bathroom door remained open. § 87(2)(b) did not witness what happened when § 87(2)(b) and § 87(2)(b) were inside the bathroom.

§ 87(2)(b) testified that upon asking to use the bathroom, PO Norris brought him to the bathroom and left him handcuffed. § 87(2)(b) asked how he was supposed to use the bathroom. In response, PO Norris pulled down his pants and underwear. Unable to use the toilet, § 87(2)(b) peed in the shower instead. PO Norris watched him do this. § 87(2)(b) described PO Norris as an approximately 6'2" tall, black male with a dark complexion, an afro, a heavy-set build and no facial hair.

PO Palmer testified that a few minutes after the individuals were handcuffed and seated in the living room, § 87(2)(b) and § 87(2)(b) asked to use the bathroom. PO Palmer searched the bathroom to ensure that there were no dangerous objects or weapons in the bathroom. PO Palmer took § 87(2)(b) to the bathroom first. PO Palmer did not uncuff § 87(2)(b) or § 87(2)(b) when he took them to the bathroom for safety reasons. PO Palmer's understanding of what to do in these circumstances is that if the individuals can use the bathroom without being uncuffed, it is better to keep them cuffed. § 87(2)(b) and § 87(2)(b) both wore basketball shorts with elastic waists, which they wriggled out of and pulled back up from behind. § 87(2)(b) asked PO Palmer if he could use the shower. PO Palmer told him to do whatever he was comfortable with, since it was his home. It seemed like § 87(2)(b) had used the shower before. PO Palmer did not tell § 87(2)(b) or § 87(2)(b) to urinate in the shower. PO Palmer did not pull § 87(2)(b) or § 87(2)(b)'s pants down. PO Palmer knew the toilet was functional because § 87(2)(b) used the toilet. PO Palmer remained in the bathroom, facing away, with the door partially open.

PO Norris testified that § 87(2)(b) and § 87(2)(b) were each taken handcuffed, one at a time to the bathroom by an officer, whose name PO Norris did not remember. PO Norris explained that the procedure would entail removing the handcuffs so that someone could use the bathroom. PO Norris did not see an officer leave § 87(2)(b) nor § 87(2)(b) handcuffed and pull down their pants and underwear. PO Norris did not do this. PO Norris denied hearing an officer tell § 87(2)(b) or § 87(2)(b) to use the shower as opposed to the toilet.

PO Norris noted that he was a 6'2" tall black male with brown hair and brown eyes on his pedigree sheet during his interview. Further he noted that he was the only black male officer on scene.

Det. Kushnir did not remember if § 87(2)(b) or § 87(2)(b) ever asked to use the bathroom. Det. Kushnir did not see an officer remove § 87(2)(b) s, § 87(2)(b) nor § 87(2)(b) s pants and underwear. Det. Kushnir did not see an officer instruct § 87(2)(b) nor § 87(2)(b) to urinate in the shower. Sgt. Parfenoff did not remember if § 87(2)(b) was taken to the bathroom. Sgt. Parfenoff stated that protocol would typically be to uncuff the arrested when taken to the bathroom. Det. Mateo and Det. Uruymagov did not remember if any individuals were taken to the bathroom.

A search warrant authorizes the NYPD to search the premises and people inside, and that to ensure security during the execution of search warrants, officers are authorized to secure the premises and people inside by handcuffing and patting them down for weapons, Williams v. City of New York, (BR 17).

There is no written protocol for uncuffing subjects during a search warrant execution, Patrol Guide Procedure 221-17 (BR 18).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)

Allegation (K) Abuse of Authority: Officers failed to provide § 87(2)(b) with medical treatment.

Allegation (L) Abuse of Authority: Detective Stanislav Kushnir failed to provide § 87(2)(b) with medical treatment.

§ 87(2)(b) stated that he informed the officers, including Det. Kushnir, that he was sick and needed to take medication. He was never given the opportunity to take his medication. § 87(2)(b) requested his medication at § 87(2)(b) § 87(2)(b) as well as at the 72nd Precinct stationhouse. § 87(2)(b) did not specify who he asked for medical treatment besides Det. Kushnir and following his interview, he was uncooperative with the investigation.

Det. Kushnir did not hear an officer refuse to provide § 87(2)(b) with medical treatment or medication. § 87(2)(b) did not ask Det. Kushnir for medical treatment.

PO Norris testified that § 87(2)(b) did not request medication. PO Norris explained that if someone needed medication or expressed a need for medical attention, the procedure is to immediately call an ambulance. An ambulance was not called during this incident. PO Norris did not hear an officer deny § 87(2)(b) medical attention and he did not deny § 87(2)(b) medical attention.

Det. Mateo, Sgt. Parfenoff, Det. Uruymagov, and Det. Palmer did not know if § 87(2)(b) asked Det. Kushnir or any other officers for medical treatment. They did not know if medical treatment was ever provided to any of the individuals.

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB History

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- Det. Kushnir has been a member of service for 11 years and this is the first CCRB complaints and this is the first CCRB complaint in which he has been a subject.

- PO Palmer has been a member of service for 9 years and this is the first CCRB complaints and this is the first CCRB complaint in which he has been a subject.
- PO Norris has been a member of service for 14 years and has been a subject in five CCRB complaints and 11 allegations, one of which has been substantiated.
 - Case number 201009818 involved the substantiated allegation of a vehicle search against PO Norris. The Board recommended instructions and the NYPD imposed instructions.
 - § 87(2)(g)

Mediation, Civil and Criminal Histories

- [illegible]

Squad No.: 6

Investigator: Lily Kim Investigator Lily Kim 5/19/2021
Signature Print Title & Name Date

Squad Leader: _____ Jessica Peña

IM Jessica Peña

5/20/21

Signature

Print Title & Name

Date

Reviewer:

Signature

Print Title & Name

Date